

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT ARMSTRONG,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 17-10731

Hon. Marianne O. Battani

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**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Robert Armstrong brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Defendant Commissioner denying his application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.* The case was referred to Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636(b)(1)(B) for review of the Commissioner's decision.

The parties filed cross-motions for summary judgment. In a report and recommendation ("R & R") dated October 11, 2017, the Magistrate Judge recommended that the Court grant in part Plaintiff's motion for summary judgment, deny Defendant's motion for summary judgment, and remand this matter to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g). The Magistrate Judge also informed the parties that any desired objections to the R & R were to be filed within 14 days of service of the R & R, and that a party's failure to file objections would operate to waive any further right of appeal. (Dkt. 19, R & R at 23.)

Neither party has filed objections to the R & R. Because no objections have been filed, the parties have waived their right to *de novo* review and appeal. Moreover, having reviewed the R & R and the remainder of the record, this Court fully concurs in the Magistrate Judge's analysis and recommended disposition of this case.

Accordingly, the Court **ADOPTS** the Magistrate Judge's October 11, 2017 report and recommendation (Dkt. 19), **GRANTS IN PART** Plaintiff's motion for summary judgment (Dkt. 14), and **DENIES** Defendant's motion for summary judgment (Dkt. 17). This matter will be remanded to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings in accordance with the Magistrate Judge's report and recommendation.

IT IS SO ORDERED.

Date: March 21, 2018

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 21, 2018.

s/ Kay Doaks
Case Manager